THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.15331 of 2005

Date: 5th June, 2006

Between :-

1. Siripurapu Apparao, S/o. Guruvulu
2. Mahanti Eswararao, S/o. Appanna
3. Nekkalapudi Ramarao, S/o.Venkatakrishnaiah
4. Janapareddi Appanna, S/o. Ramulu
5. Gudla Venkateswararao, S/o. Basavaiah
6. Kandi Narayanarao, S/o.Candrunaidu
7. Kurimineni Narayanamma, W/o.Appalanaidu
8. Md.Ibrahim, S/o. Azzez
9. Sanapathi Appalaswamy, S/o.Appalaswamy
10. Ponnuri Venkatamma, W/o.Gangaiah
11. Korada Appanna, S/o.Pothaiah
12. Kandi Paparao, S/o.Chinna Appalanaidu
13. Reddy Maheswari, W/o. Suryanarayana
14. Gandikota Suramma, W/i/gokaraju
15. Vadapalli Ramu, S/o. Suryanarayana

.. Petitioners

and

1. District Collector,
   Eluru, West Godavari
2. The Commissioner, Eluru Municipal
   Corporation, Eluru, West Godavari

3. Town Planning Officer,

Eluru Municipal Corporation,

Eluru, West Godavari

4. Mandal Revenue Officer,

Eluru, West Godavari

5. Rate Payers Welfare Association, Eluru

.. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.15331 of 2005

ORDER:-

1. Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in directing demolition and removal of petitioners' houses situated in Sy.No.69 in Santhinagar of Eluru Municipal Corporation is illegal, irregular and violative of the A.P.Municipalities Act and the rules framed thereunder and also offends Articles 14 and 21 of the Constitution of India and consequently direct the respondents not to demolish nor vacate the

petitioners from their respective houses and sites and pass such other suitable orders.

3. This Court made an interim direction in W.P.M.P.No.19480/2005 on 14-7-2005. W.V.M.P.No.448/2006 is filed to vacate the said interim direction.

4. In the light of the stand taken in the affidavit filed in support of the vacate application and also in the light of the averments made in the affidavit filed in support of the Writ Petition, this Court is of the considered opinion that the houses of the petitioners cannot be demolished except by following the due process of law. With the above direction, the Writ Petition is hereby disposed of. No order as to costs.

_____

Justice P.S.Narayana

Date: 5th June, 2006

SMR